

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DARIUSZ SIDZ, TOMASZ ORZECOWSKI, and ARKADIUSZ  
WAKULUK, individually and on behalf of all other persons similarly  
situated who were employed by E&M ESR, INC., and/or any other  
entities affiliated with, controlling, or controlled by E&M ESR, INC.  
and/or MAGDALENA PALUCHIEWICZ and/or ERNEST PIROG,

Plaintiffs,

- against -

E&M ESR, INC., MAGDALENA PALUCHIEWICZ, AND  
ERNEST PIROG, and/or any other entities affiliated with,  
controlling, or controlled by E&M ESR, INC., MAGDALENA  
PALUCHIEWICZ, and/or ERNEST PIROG,

Defendants.

Docket No.: cv-12-4525-JAR-GO

PUBLICATION  
ORDER

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ **FEB 05 2013** ★

LONG

WHEREAS, the parties having stipulated to the dissemination of a notice of pendency  
pursuant to 29 U.S.C. § 216(b);

**IT IS HEREBY ORDERED** that:

1. On or before thirty (30) days after entry of this Order, the Plaintiffs or  
their designated representatives shall cause a copy of the Notice of Lawsuit and Consent to Join  
Form in English and Polish to be mailed by first class mail to:

**All individuals who were employed by E&M ESR, Inc. ("E&M"), who performed work as  
drivers/field representatives from [three years prior to the filing of the Notice] through  
December 31, 2011. This does not include supervisors, officers, executive, managerial, or  
administrative personnel.**

2. The Court approves the attached form of the Notice of Lawsuit and  
Consent to Join form, and finds that the mailing of such Notice and Consent to Join form  
substantially in the manner and form set forth in paragraph 1 of this Order will constitute the best  
notice practicable under the circumstances to members of the collective.

3. Within 15 days after entry of this Order, Defendants shall furnish to Plaintiffs' counsel and, if applicable to the designated notice administrator, a list containing the names and last known address of all individuals employed by Defendants three years prior to the date of this Order through December 31, 2011. This mailing list is to be furnished in electronic form and shall be treated by the Parties as confidential and not used for any purpose other than mailing the approved form of Notice.

SO ORDERED ✓

United States District Judge Joseph F. Bianco

Dated: Central Islip, New York  
Feb. 5, 2013